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FILED

NOV 18 2005

RICHARD W. WITKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Counsel for Defendant ROBERT G. GARDNER

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,) No. CR-05 00592 MJJ
12 Plaintiff,) STIPULATION AND [PROPOSED]
13 vs.) CONTINUING HEARING DATE
14 ROBERT G. GARDNER,)
15 Defendant.)

17 This matter is scheduled for a status conference on November 18, 2005 at 2:30 p.m. The
18 underlying indictment charges Mr. Gardner with three counts of tax evasion.

19 The government has produced over 500 pages of discovery to date. Defense counsel has
20 completed its review of some, but not all, of these materials, and will be requesting further
21 discovery as well. Defense counsel also needs to undertake and complete numerous witness
22 interviews. In light of the foregoing, **IT IS STIPULATED AND AGREED** that the status
23 conference presently scheduled for November 18, 2005 be continued to December 16, 2005. **IT**
24 **IS FURTHER AGREED** that the period from November 18, 2005 until December 16, 2005 be
25 excluded under the Speedy Trial Act on the grounds of defense preparation and investigation,
26 and because the interests of justice outweigh the interest of the public and the defendant in a

Case 4:05-cr-00592-MJJ Document 4 Filed 11/17/2005 Page 2 of 2

1 speedy trial. 18 U.S.C. § 3161(h)(8)(A) and (B)(iv). Defense counsel represents that Mr.
2 Gardner concurs with the request for exclusion of time under the Speedy Trial Act.
3

4 /S/

5 Dated: November 17, 2005

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 JEROME MATTHEWS
7 Assistant Federal Public Defender

8 Dated: November 17, 2005

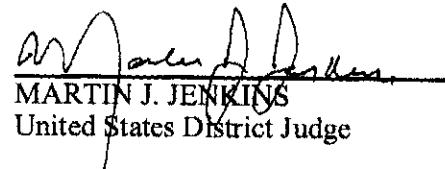
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 THOMAS MOORE
10 Assistant United States Attorney

11 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
12 "conformed" signature (/S/) within this e-filed document.

13 Good cause appearing therefor, IT IS ORDERED that this matter be continued to
14 December 16, 2005, and that time under the Speedy Trial Act be excluded, all on the grounds
15 stated in the foregoing stipulation.

16 Dated: November 17, 2005

17 
18 MARTIN J. JENKINS
19 United States District Judge